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Sanctions : the economic
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**SANCTIONS: THE ECONOMIC WEAPON
IN THE NEW WORLD ORDER**

Michel Rossignol
Political and Social Affairs Division

October 1993
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TABLE OF CONTENTS

INTRODUCTION	1
DEFINITION	2
HISTORICAL BACKGROUND UP TO 1990	3
A. Early Disillusionment	3
B. Sanctions against Rhodesia	4
C. Sanctions against South Africa	5
1. The Debate within the International Community	5
2. The Lifting of Sanctions	6
3. Assessment of Effectiveness	7
D. Sanctions against Iraq	9
THE USE OF SANCTIONS SINCE THE PERSIAN GULF WAR	11
A. Greater Willingness to Use Sanctions	11
B. Recent Mandatory Sanctions	12
1. Libya	12
2. The Former Yugoslavia	12
3. Liberia	14
4. Angola	15
5. Haiti	15
C. Continuing Sanctions against Iraq	17
UNITED NATIONS REFORMS	20
NIGERIA: THE LATEST TEST	22
CANADA AND SANCTIONS	24
A. Strong Support for Sanctions	24
B. <i>Special Economic Measures Act</i>	25
CONCLUSION	26
BIBLIOGRAPHY	27



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SANCTIONS: THE ECONOMIC WEAPON IN THE NEW WORLD ORDER

INTRODUCTION

When the First World War ended, people actually believed that it had been "the war to end all wars." Government leaders were confident that if the horrors of war did not deter countries from starting new conflicts, the international community's imposition of economic sanctions on delinquent states would do so. President Woodrow Wilson of the United States was a leading advocate of the use of economic sanctions (the "economic weapon") rather than force to make countries desist from aggressive acts. He stated in 1919:

A nation that is boycotted is a nation that is in sight of surrender.
Apply this economic, peaceful, silent, deadly remedy and there will
be no need for force.⁽¹⁾

Subsequent events have shown that President Wilson and others were too optimistic in trusting sanctions to bring a delinquent country to its knees. Nevertheless, sanctions remain an important feature of modern international relations, although views differ as to their effectiveness in persuading states to cease aggressive acts or to change policies that world public opinion finds objectionable. This study considers the history of sanctions, their role in the new world order, and Canada's position. The emphasis is on the collective use of sanctions by members of the

(1) Quoted in G.C. Hufbauer, J.J. Schott, K.A. Elliott, *Economic Sanctions Reconsidered: History and Current Policy*, Second Edition, Institute for International Economics, Washington, 1990, p 9.

international community rather than on cases where one country imposes sanctions on another as a result of a trade or boundary dispute.

DEFINITION

Sanctions usually consist of a ban on the sale and shipment of products to a country and on the purchase of its exports. Other elements not directly linked to trade and commerce, such as culture and sports, are now often included. Thus we see bans on economic, sporting and cultural contacts between countries, as well as "person-to-person" sanctions such as withholding visas or other diplomatic documents from citizens of another state.

Economic sanctions are usually the most important of all sanctions imposed on a country. They imply "the deliberate, government-inspired withdrawal, or threat of withdrawal, of customary trade and financial relations."⁽²⁾ Sanctions are basically measures applied in response to wrongdoing by a state, such as an act of aggression against another state or pursuit of a racial policy that is considered to be wrong from the perspective of international law or moral standards.

Although sanctions penalize delinquent countries for past wrongdoing, they are above all intended to persuade them to change actions or policies in the future. For example, the sanctions imposed on South Africa have been described as follows:

The main purpose of sanctions is not to punish white South Africa for the sins of apartheid, but rather to push it to the conference table to negotiate a hand-over of power to bring about majority rule and "one person one vote."⁽³⁾

Sanctions are used as "a tool for coercing target governments into particular avenues of response,"⁽⁴⁾ but there is no guarantee that they will succeed, a fact President Wilson and others overlooked. A country can resist sanctions for long periods, especially if their

(2) *Ibid.*, p. 2.

(3) J. Hanlon and R. Omond, *The Sanctions Handbook*, Penguin Books, Harmondsworth, 1987, p. 12.

(4) Hufbauer (1990), p. 10.

effectiveness is undermined by sanctions-busting and disagreements within the international community on how extensive they should be. Since sanctions cannot always produce the desired results, enthusiasm for using them as a coercive tool has ebbed and flowed in the decades since the First World War.

HISTORICAL BACKGROUND UP TO 1990

A. Early Disillusionment

After the First World War, the first real test of sanctions showed their shortcomings. The League of Nations imposed sanctions on Italy after the latter's invasion of Ethiopia in 1935, but was unable to persuade the Mussolini regime to stop the aggression. The sanctions were doomed to failure because they were too limited in scope, did not ban vital oil exports to Italy, and were ignored by non-League members. It is debatable whether comprehensive sanctions would have produced different results, but this experience with Italy made public opinion conclude that sanctions were of little use.⁽⁵⁾

Sanctions were nevertheless considered useful as a diplomatic tool when the United Nations was established in 1945; however, the Cold War soon dashed hopes that the world body would work effectively and take such collective measures as imposing mandatory sanctions. U.N. members often had difficulty in reaching a consensus on whether the actions or policies of a country threatened international peace; even when they agreed on this, they did not necessarily agree that imposing sanctions was the best course of action. Many other factors were involved, including the "reality of international relations where perceptions of delinquency can vary significantly and foreign—and domestic—policy considerations often rule out hostile action toward another state."⁽⁶⁾ As a result, while since 1945 representatives of various countries in the General Assembly have often called for the imposition of sanctions, until quite recently action was seldom

(5) Ibid.

(6) Margaret Doxey, "International Sanctions" in D. Gahlunds and M. Hawes, eds., *World Politics, Power Interdependence and Dependence*, Harcourt Brace Jovanovich, Toronto, 1990, p. 246.

taken either because of a lack of consensus or because of a veto by the permanent members of the Security Council.

B. Sanctions against Rhodesia

Until Iraq's invasion of Kuwait in 1990, the only time the United Nations reached a consensus on the use of mandatory economic sanctions had been during the Rhodesian crisis between 1965 and 1979. In 1965, the Rhodesian government issued a unilateral Declaration of Independence; the U.N. Security Council immediately called on all U.N. members to impose voluntary sanctions on Rhodesia. A year later, these sanctions became mandatory for all countries that had signed the United Nations Charter, Article 25 of which states that all U.N. members have agreed to accept and carry out the decisions of the Security Council.

In the early stages, the sanctions had a significant impact on the Rhodesian economy, but by 1969 Rhodesia was actually enjoying an economic boom because of import substitution, increased South African investment and sanctions-busting by many countries. Rhodesia's ability to withstand sanctions caused considerable disillusionment within the international community during the 1970s. However, a successful guerrilla warfare campaign by black groups and a reduction in sanctions-busting reversed the economic situation. The white Rhodesian regime at last realized that it could not continue to resist when its greatest ally, South Africa, decided in the late 1970s that its own interests would be better served by a black majority-rule regime as a neighbour rather than the embattled white regime.⁽⁷⁾

It is difficult to assess the extent to which sanctions contributed to the change in the white regime's policies. That Rhodesia was able to resist sanctions for almost 15 years, however, puts into question their effectiveness in reversing policy. It could be argued that the guerrilla war, which intensified in the 1970s, was as great or even greater, a factor, and certainly Rhodesia would not have been able to resist sanctions for so long without the flow of supplies and investments from South Africa. Even without this flow, it would probably have taken a number of years for sanctions to have the desired effect.

(7) Hanlon (1987), p. 209.

C. Sanctions against South Africa

1. The Debate within the International Community

When Rhodesia became Zimbabwe, South Africa lost an ally in its resistance to the growing international pressure to abandon apartheid. In terms of sanctions-busting, few states could do for South Africa what it had done for Rhodesia. However, until the mid-1980s, South Africa was not significantly affected by sanctions because the United Nations was unable to reach a consensus on this issue.

In 1973, in response to growing public demand for action, the oil-exporting countries agreed to ban oil exports to South Africa; however, this was done outside the United Nations. Inside that forum, Security Council Resolution 418 in 1977 imposed a mandatory ban on the sale of arms and related materials to South Africa. Still, as late as February 1985, the Canadian government, like many Western governments, was claiming that sanctions would be ineffective and harmful to the socioeconomic situation of the black majority they were supposed to help. Only in the mid-1980s was the international community able to agree on the need to impose a wide variety of economic sanctions on South Africa. Even then, Security Council Resolution 569 of 1985 only urged U.N. members to impose sanctions voluntarily. The resolution recommended a ban on investments, a ban on the sale of Kruggerrand gold coins, a restriction on cultural and sports contacts, the prohibition of contracts in the nuclear field and a ban on the sale of computers, which might be used by the South African security forces.

The U.N.'s inability to impose mandatory sanctions was due to Cold War tensions as well as to the opposition, for strategic and economic reasons, of some permanent members of the Security Council, notably the United States and the United Kingdom. The industrialized countries finally imposed sanctions in 1985, when interest groups, politicians and large segments of public opinion demanded action in response to the South African government's harsh repression of demonstrations against constitutional proposals that ignored the demands of the Blacks. Indeed, television reports of confrontations between South African police and Blacks galvanized the international community.

There is evidence that governments acted at this time not only out of concern for the situation, but also because they anticipated that public demands for action would increase if nothing was done. In Canada's case, however, public opinion polls taken after the government had imposed sanctions suggest "that public opinion was in fact following the government's lead and not the other way around."⁽⁸⁾ In short, in the mid-1980s, the international community reached a consensus on the need to impose sanctions on South Africa without the United Nations leading the way.

2. The Lifting of Sanctions

The international community also had difficulty in deciding when to lift sanctions, once the South African government had made its commitment to remove apartheid and implement constitutional reforms. This was demonstrated by the haphazard way in which individual countries and multinational groups lifted their sanctions in the wake of Nelson Mandela's release from prison in 1990 and the repeal of apartheid laws in 1991. For example, in July 1991 the United States lifted many of its sanctions, including some imposed under the *Comprehensive Anti-Apartheid Act* of 1986, while the United Kingdom had started removing many of its sanctions in February as soon as Mandela was freed.

The relative haste with which the European Community, the United Kingdom, and the United States lifted some of their major sanctions demonstrated that they were more preoccupied with the removal of apartheid policies than with the complete transformation of South Africa's political system. For its part, the International Olympic Committee also welcomed the progress made in South Africa in abolishing apartheid; in July 1991 it recognized South Africa's National Olympic Committee, thus paving the way for the country's participation in the 1992 Olympics. This more or less ended the sports boycott of South Africa, something that even the ANC welcomed.

Most of the Commonwealth countries, however, including Canada, viewed sanctions more as a tool to help the Blacks obtain majority rule than simply a protest against

(8) K.R. Nossal, "Canadian Sanctions against South Africa: Explaining the Mulroney Initiatives, 1985-1986," in *Journal of Canadian Studies*, Vol. 25, No. 4, Winter 1990-1991, p. 25.

apartheid. As a result, in recognition of the progress made, the Commonwealth Heads of Government decided at their 1991 summit meeting to lift only a few sanctions, notably those banning cultural and scientific contacts and restricting tourism promotion. They accepted the recommendations of the Commonwealth Committee of Foreign Ministers on Southern Africa, supported by the African National Congress (ANC) and other groups, to maintain most of the trade and financial sanctions and keep pressure on the South African government during constitutional negotiations with the Black majority. In September 1993, following the establishment in South Africa of a Transitional Executive Council to allow Blacks to participate in government decisions pending the April 1994 democratic elections, Commonwealth and other states announced that most of the remaining sanctions against South Africa would be lifted. The European Community lifted its remaining sanctions in early October.

The U.N., however, did not formally lift all sanctions against South Africa until a few weeks after the elections and the inauguration of the new government. On 25 May 1994, the Security Council adopted Resolution 919 which terminated the mandatory arms embargo and all other measures against South Africa.

3. Assessment of Effectiveness

It is difficult to assess the effectiveness of sanctions against South Africa, given the divergent reasons within the international community for imposing them. Is success to be defined as the elimination of apartheid laws or the establishment of a black majority government? If the former, since the apartheid laws were repealed in 1991, sanctions could be judged to be a great success; if the latter, sanctions did not produce results for a much longer period of time. It is generally recognized, however, that sanctions influenced the South African government's decision to undertake constitutional negotiations. A study sponsored by the International Labour Office (ILO) on the impact of financial sanctions on South Africa stated that "the hope that normal international financial links will be restored once thoroughgoing political reforms have been put in place is an important factor continuing to drive the South African Government in a reformist

direction."⁽⁹⁾ However, the report also pointed out that the government's actions were "motivated by a matrix of factors."⁽¹⁰⁾

These factors included the threat of an explosion of violence or even civil war stemming from the undiminished anger of the Blacks, the removal of external threats to South African security with the peaceful resolution of conflicts in neighbouring countries such as Namibia and Angola, and the drop in the price of gold, an important South African export, over the years. It would be more accurate to conclude that sanctions, though important, were not the determining factor in pushing South Africa away from apartheid and towards real democracy.

Thus it is not possible to gauge from the experience with South Africa how long sanctions take to produce results. About six years passed between the imposition of major economic sanctions and June 1991, when the apartheid laws were repealed. If the effects of the oil and arms embargoes established in the 1970s are considered as well, the performance of sanctions is even less impressive.

The sanctions against South Africa worked to the extent that they helped to persuade a delinquent state to change policies unacceptable to the international community; they were not effective in provoking immediate compliance. This does not imply that sanctions can never have immediate success; obviously they could cripple the economies of poor, small states much faster than those of resource-rich countries like South Africa. Even here there is no guarantee of success, however, as demonstrated by the ability of the military regime in Haiti to refuse for many months to restore Jean-Bertrand Aristide, the democratically elected President, to power, despite wide-ranging sanctions imposed by the Organization of American States.

Indeed, sanctions, just like the bombing of cities in wartime, can often make government leaders or the population as a whole even more defiant, especially if rallied to the cause through effective propaganda. The apparent willingness of most Blacks, especially supporters of the ANC, to endure the unemployment and other effects of sanctions, facilitated the

(9) Group of Independent Experts, *Financial Sanctions Against South Africa*, International Labour Office, Geneva, 1991, p. 50.

(10) *Ibid.*

decisions of the foreign governments to impose them, as did the support of South Africa's neighbours, given in spite of the inevitable harm to their own economies. In other situations, however, the effects of sanctions on the health and economic well-being of the citizens of the targeted country and its neighbours must be of concern to the international community.

When a state commits a delinquent act or maintains an unacceptable policy, sanctions may seem the only course of action because "world leaders often find the most obvious alternatives to economic sanctions unsatisfactory - military action would be too massive, and diplomatic protest too meagre. Sanctions can provide a satisfying theatrical display, yet avoid the high costs of war."⁽¹¹⁾ Military intervention by the U.N. or members of the international community might quickly bring a deplorable situation to an end; however, the potential costs in human lives and material damage, or the possibility of a long drawn-out conflict, usually discourage governments from agreeing to this option. There is no guarantee that a military intervention in South Africa would have ended apartheid any sooner and, given the military strength of the white regime, the costs in human and monetary terms would have been overwhelming. The fact that constitutional negotiations aimed at giving power to the black majority were eventually undertaken, demonstrates that sanctions, though to some extent theatrical, can bring about significant change without resort to military intervention.

D. Sanctions against Iraq

The U.N. imposed sanctions on Iraq following that country's invasion and occupation of Kuwait in early August 1990; however, despite the scale of these sanctions and the measures taken to enforce them, they did not prevent the Persian Gulf War. Only a few states did not respect the sanctions, the consensus within the international community being fairly strong, and, except for humanitarian supplies, few goods were able to reach Iraq for many months; even so, Iraq was not persuaded to withdraw. Unwilling to let the situation linger on indefinitely, the U.N. Security Council set 15 January 1991 as the deadline for Iraq to pull out its troops. When this did not happen, military action began.

(11) Hufbauer (1990), p. 13.

It had waited many years to see sanctions have an effect on South Africa, but the international community showed much less patience in the case of Iraq's invasion of Kuwait. There, sanctions were imposed in August 1990 and military action was taken in January 1991; however, the two cases were quite different in that the South African situation was internal, while the Iraq case concerned the sovereignty of a neighbouring country. Intervention in the internal political situation of a country is always a delicate issue because all countries jealously guard their ability to administer internal affairs without outside interference.

Ever since the signing of the United Nations Charter in 1945, the deprivation of human rights has generally been considered the legitimate concern of the international community.

However, the Charter was basically designed to deal with conflicts between countries, especially invasion, which is a serious breach of international law. There are many precedents for international responses to such incidents in the form of sanctions or military intervention. On the other hand the relevance of the Charter to internal situations is less clear; it is more difficult to reach international consensus on the need for military intervention in such cases, as was seen in South Africa and the former Yugoslavia.

The invasion of Kuwait was a clear breach of international peace, in diplomatic and legal terms. If the U.N. and the major powers had not responded strongly, tensions around the world might well have increased as small countries began to fear similar invasions by larger neighbours. This would not have augured well for the new international context then developing as a result of the end of the Cold War. In fact, the reduced tensions between the United States and the Soviet Union made it easier for the U.N. Security Council to decide on measures to ensure a more peaceful and stable international context by checking acts of aggression.

The Security Council acted quickly; on 2 August 1990 it passed Resolution 660, which demanded the withdrawal of Iraqi troops, and on 6 August it passed Resolution 661, which imposed mandatory sanctions on Iraq while stating that medical supplies and humanitarian food aid could still enter that country. Resolution 665 of 25 August called on U.N. members deploying naval forces to the region "to use such measures as may be necessary" to stop and inspect ships to ensure that banned goods would not reach Iraq, and Resolution 670 of 25 September extended the embargo to air traffic. Subsequently, the Security Council on 29 November passed Resolution 678

authorizing U.N. member states to use "all necessary means to uphold and implement" Resolution 660 if Iraq did not comply by 15 January 1991. The stage was thus set for military action.

Whether or not sanctions alone would have eventually persuaded Iraq to withdraw its troops from Kuwait can only be the subject of conjecture. The fact remains that, in spite of comprehensive sanctions and the threat of military action, Iraq did not withdraw its troops. Allowing more time for sanctions to take effect might only have delayed the inevitable.

This does not mean that sanctions did not have any effect on Iraq; sanctions almost always make life difficult for ordinary citizens, even if they do not persuade government leaders to change their policies. The U.N. and its members in fact faced unattractive alternatives: they could let the Iraqi population suffer the effects of comprehensive sanctions for months and even years while allowing a breach of international peace to fester, or they could undertake military action. The latter course inevitably caused human suffering and material damage, but put an end more quickly to the occupation of a sovereign country and reinforced international peace and security. The debate on whether or not the U.N. should have shown more patience in using diplomatic rather than military means will likely continue for some time; however, there is no guarantee that sanctions would eventually have worked.

THE USE OF SANCTIONS SINCE THE PERSIAN GULF WAR

A. Greater Willingness to Use Sanctions

The limitations of sanctions, as well as their usefulness, have been demonstrated in events since the end of the Persian Gulf War. The United Nations has imposed sanctions on the former Yugoslavia, Libya, and Haiti, as well as maintaining those on Iraq. These sanctions did not bring about immediate compliance with the wishes of the international community, but they were successful in demonstrating the international community's disapproval of objectionable situations and, over time, in persuading the regimes of target countries to modify their policies or to come to the negotiating table.

The willingness of the United Nations Security Council in the early 1990s to impose mandatory sanctions is due to the new international context in place since the end of the Cold War.

Developments in South Africa no doubt improved the perception of the value of sanctions as a diplomatic tool, but above all the improvement was due to the new spirit of cooperation among the permanent members of the Security Council. Some of these, notably China, may still have reservations about the Security Council's imposition of sanctions, but they have not vetoed decisions to use them.

B. Recent Mandatory Sanctions

1. Libya

Security Council Resolution 748 of 31 March 1992 called for mandatory sanctions against Libya in response to the latter's refusal to extradite to the U.S. or Germany two Libyan intelligence agents suspected of being involved in the terrorist bombing of an airliner over Lockerbie, Scotland. While calling on the Libyan government to cease all forms of terrorist action, the resolution banned air links and arms sales to Libya. It also stipulated that all countries should reduce diplomatic ties with that country. On 11 November 1993, the Security Council voted to tighten the sanctions by freezing Libya's foreign bank accounts and banning shipments of some oil equipment.

Despite the sanctions, Libya refused to extradite the two Libyan agents. This prompted the U.S. President in late 1995 to call for even tighter sanctions, possibly including an oil embargo. Most of the international community does not appear ready to impose such a comprehensive embargo and, as many countries rely heavily on imports of oil from Libya, additional sanctions are unlikely for the time being. Existing sanctions, however, are still in place, the U.N. Security Council having extended them for another 120 days in late November 1995.

2. The Former Yugoslavia

The worsening situation in the former Yugoslavia also prompted the Security Council to call for sanctions. Resolution 713 of 25 September 1991 imposed an embargo on deliveries of weapons and military equipment. Resolution 757 of 30 May 1992 imposed a trade

and air embargo on Serbia and Montenegro, two former Yugoslavian republics, which at the time were continuing to use the name Federal Republic of Yugoslavia. The trade embargo included a ban on financial transactions and oil deliveries and was intended to protest against and bring an end to Serbian aggression against other former Yugoslavian republics, Bosnia and Hercegovina. In the fall of 1992, another resolution authorized naval forces from various countries, including Canada, to reinforce a sea blockade in which ships suspected of carrying banned supplies to and from the former Yugoslavia could be boarded and inspected. On 17 April 1993, the Security Council adopted Resolution 820, which, among other things, called for the expansion of the existing trade embargo, the freezing of the assets of the Federal Republic of Yugoslavia, the impounding of all its ships, aircrafts and vehicles, and more restrictions on the movement of good and services across its borders.

The limitations of sanctions are evident in their failure to bring a quick end to the fighting in the former Yugoslav republics. More than a year after the imposition of mandatory sanctions against Serbia and Montenegro, the region was still marked by fighting and human rights abuses. Where the opposing sides are hellbent on defending their cause, sanctions alone, even where the effects are considerable, really have little chance of persuading enemies to seek peace, at least in the short term. As a result of sanctions, ordinary citizens in Serbia faced many hardships; inflation in Belgrade was more than 200% by May 1993 and most service stations in the city had no gasoline to sell. Even so, many goods were still in plentiful supply, because of reduced consumer demand, the fact that Serbia is not dependent on foreign trade, large government stockpiles of goods,⁽¹²⁾ and some sanctions-busting by other countries.

For example, Romania allowed refuelling Yugoslav Airlines to have more fuel than required to reach their destinations. The surplus fuel is likely to have been used in the equipment of the fighting forces. U.N. officials could only note the process and distribute reprimands, but could do little else to stop the flagrant violation of sanctions.⁽¹³⁾ Thus, despite the efforts of multinational naval forces in the Adriatic Sea and of U.N. observers in

(12) René Holtzsch, "Belgrave Under the Blockade," *Swiss Review of World Affairs*, August 1993, p. 28-29.

(13) Jane Perlez, "U.N. Watches Romania Violate Sanctions," *New York Times*, 30 July 1995, p. 8.

neighbouring states, it proved impossible to cut off a country completely from essential supplies and thereby apply maximum pressure.

By late 1995, however, President Milosevic of Serbia was reported as being determined to help bring the conflict to an end, partly to pave the way for the lifting of sanctions and thus give hope to a public weary of nationalist oratory and bloodshed.⁽¹⁴⁾ Sanctions were no doubt a factor in the process that led up to the signing of the Peace Agreement in Dayton, Ohio, on 21 November 1995, though, given the nature of the conflict and all the issues involved, by no means the key one.

The day after the Peace Agreement was signed, the Security Council reacted quickly to adopt Resolution 1021. The embargo was to remain in place for the first 90 days following the signing of the Peace Agreement; thereafter, most restrictions on the flow of weapons into the country would be lifted, as long as commitments made in the agreement were honoured. Some 180 days after the signing, the remaining restrictions on heavy weapons were slated to be removed.

The Security Council also took a cautious approach to economic sanctions. Resolution 1022, of 22 November 1995, suspended indefinitely the various economic measures taken since 1992, instead of officially terminating them. The resolution warned that all economic sanctions would come back into force if the Security Council received reports that the parties to the Peace Agreement were not meeting their obligations. By merely suspending sanctions, the U.N. could still exert some pressure on the warring parties.

3. Liberia

On 19 November 1992, the Security Council adopted Resolution 788 imposing a mandatory oil and arms embargo on Liberia, where a civil war was raging. Diplomatic efforts by the U.N. and neighbouring countries led to a cease-fire agreement, but tensions remained high in the country. In its Resolution 1001 of 30 June 1995, the Security Council noted the progress made by the peace process, but reminded all states that they must still

(14) Chris Hedges, "In Belgrade, View is Still 'Hands Off'," *New York Times*, 21 September 1995, p. 14.

comply strictly with the embargo on all deliveries of weapons and military equipment to Liberia.

4. Angola

The situation in Angola, worsening despite U.N.-sponsored elections aimed at ending a decade-old civil war, prompted the Security Council to adopt Resolution 864 on 15 September 1993. This imposed a mandatory embargo on oil and arms shipments to the UNITA rebels fighting against Angolan government forces. In 1995, the peace process in Angola made significant progress, but in its Resolution 976 of 8 February 1995 the Security Council reminded all states that they must continue to comply with the embargo.

5. Haiti

The Security Council also reacted to the military takeover of power in Haiti after the 30 September 1991 coup d'état in Haiti, which forced the democratically elected President, Jean-Bertrand Aristide, out of power; however, the Council did not impose sanctions immediately. Instead, this was left to a regional organization, the Organization of American States (OAS). The OAS made it clear that the sanctions were aimed only at persuading the military government to end its illegal regime and encouraged its members, including Canada, to provide food and medical supplies to the population, already in economic difficulty.

The recognition that the poor in Haiti would thereby face even more deprivations explains to some extent the U.N.'s hesitation to impose mandatory sanctions. Since most of Haiti's trade was with countries in the OAS, the regional body's sanctions had already had a significant impact, which world-wide sanctions would just reinforce. When the military regime remained defiant, however, the international community grew more impatient and on 17 June 1993 the Security Council passed a resolution threatening mandatory sanctions unless progress was made by 23 June in restoring the legitimate government of Haiti.

The threat produced the desired results; the military regime agreed to negotiations before the deadline and an agreement was reached on 3 July, paving the way for a new government of national reconciliation and President Aristide's return to Haiti on 30 October. The threat of

U.N. sanctions was given credit for this development.⁽¹⁵⁾ Any evaluation of the impact of these sanctions must, however, bear in mind the small size of Haiti and the weakness of its economy. The very fact that the regime of such a small country had been able to defy the international community for almost two years illustrates the limitations of sanctions and serves as a reminder that other factors also come into play in ending conflicts or periods of tension.

The turmoil in Haiti following the lifting of the OAS sanctions in August demonstrates how quickly the threat of sanctions can lose its impact when factions cannot reconcile their differences. In October 1993, when Canadian and U.S. peacekeepers were not allowed to come ashore to begin their mission, it became clear that the regime in Haiti was unwilling to comply with the agreement reached in July. On 13 October, the Security Council, in an attempt to persuade the regime to honour its commitments, adopted Resolution 873 re-imposing mandatory sanctions, effective on 18 October. The sanctions banned shipments of oil, weapons and other military equipment and froze Haiti's overseas assets: The U.S., Canada, and many other countries deployed ships off the coast of Haiti to enforce the sanctions.

Despite the impact of sanctions on the country's economy, it was the threat of an invasion by U.S. and other forces, authorized by the U.N. Security Council, that finally persuaded the military government to end its illegal regime. On 18 September 1994, just before the invasion was slated to start, an agreement was reached between a delegation led by former U.S. President Jimmy Carter and the military government allowing U.S. troops to land in Haiti without opposition from Haitian military and police forces.

As well as paving the way for President Aristide's return to power and avoiding the likely bloodshed of a full-scale invasion, the Carter agreement also made the commitment to lift international sanctions as quickly as possible so as to limit damage to the Haitian economy. On 29 September, three days after President Clinton announced the termination of most U.S. unilateral sanctions against Haiti, the Security Council adopted Resolution 944 indicating that all U.N. sanctions would be lifted on the day President Aristide returned to Haiti.

(15) "Sanctions Work," *The Economist*, 4 September 1993, p. 41.

C. Continuing Sanctions against Iraq

As part of the cease-fire arrangement, Iraq agreed to comply with Security Council Resolutions 707 and 715 and dismantle its arsenal of nuclear, chemical, and biological weapons as well as their production facilities. Except for humanitarian supplies, Iraq's ability to import goods was restricted, as it was by Resolution 661 of August 1990, pending its compliance with a number of conditions, including acceptance of a re-drawn border with Kuwait and the end of human-rights abuses. While restricting most imports in 1991, Security Council Resolutions 706 and 712 allowed Iraq to export U.S. \$1.6-billion worth of oil to pay for humanitarian aid.

By 1996, the sanctions were still in place because Iraq had been slow to comply with the conditions, frequently delaying the inspection of weapons facilities by U.N. officials. On a number of occasions, tensions increased significantly because Iraq refused to let U.N. inspectors carry out their duties, which included the destruction of chemical weapons. Iraq has also refused to take advantage of Resolutions 706 and 712, which allowed for the sale of Iraqi oil to pay for humanitarian supplies. As a result, the flow of food and medicine into Iraq has been slowed. The Iraqi government has spent billions of dollars a year from its own funds to purchase and distribute food to the population; however, ordinary citizens, becoming more and more impoverished because of the weak economy, often find it difficult to pay high prices for other food. The effects of the war and of sanctions on medical services and sanitation systems, plus delays in the delivery of medical supplies, have increased child mortality and the general population's susceptibility to disease.⁽¹⁶⁾

Despite the suffering of the Iraqi population, Saddam Hussein's regime has been able to stay in power and continues to defy the U.N., giving in to some of its demands very reluctantly at the last minute. These events provide a classic example of how economic measures can have a devastating effect on the ordinary citizens of a targeted state, while not directly hurting the political élite responsible for abhorrent policies. Moreover, a regime like Saddam Hussein's,

(16) Victor Kocher, "The Sanctions Against Iraq," *Swiss Review of World Affairs*, August 1993, p. 14. See also Louise Crosby, "Sanctions Hurting Civilians, Canadian Doctor Says," *Ottawa Citizen*, 2 December 1991, p. A8 and Tom Harpur, "Harsh Sanctions Against Iraq Hit the Wrong Target," *Toronto Star*, 21 January 1996, p. C4.

which has a significant record of human rights abuses and a history of aggression against neighbouring states, has no qualms about using the harsh effects of sanctions to deflect the anger of the population towards the international community.

This does not mean that the sanctions against Iraq did not affect government policies. Without sanctions the regime might have continued its aggression or expanded its weapons arsenal without any restrictions. The measures against Iraq have in effect become "a convenient, long-term instrument of control in Gulf policy,"⁽¹⁷⁾ prevented the outbreak of new conflicts. The positive contribution of sanctions may outweigh their negative effects.

These can include jobs lost in the initiating countries because products can no longer be exported to an important client or because materials vital for the production process can no longer be imported. Sanctions that cause more harm to the initiators than to the target state, run the risk of forfeiting public support. The effects of sanctions on ordinary citizens in a targeted state can also erode support in the international community, especially if the situation worsens over a long period while the delinquent regime refuses to change its policies.

On the other hand, sanctions would be of little use if they were removed as soon as they began to affect ordinary people. Thus a certain ruthlessness is necessary on the part of the international community; the will to keep sanctions in place must also be strong if they are to be effective.

Nevertheless, the international community is concerned about the nutritional and health situation of the Iraqi population. As a result, the Security Council has again offered Iraq the opportunity to sell oil to generate revenues needed to purchase humanitarian aid supplies. In its Resolution 986 of 14 April 1995, the Security Council authorized Iraq to sell up to U.S. \$1 billion of petroleum products every 90 days and called for a review of the process after the first two 90-day periods. The resolution stipulated a number of conditions for the sale of petroleum products and specified that the revenues must be used only to purchase medicine, health supplies, foodstuffs, and other materials for civilian needs.

The Iraqi government had resisted previous similar proposals but in January 1996 it agreed to discussions with U.N. officials on the issue, while insisting that the

(17) Ibid., p. 13.

resolution was vicious and unfair. These discussions were expected to be difficult and to have no guarantee of success, given Iraq's demands for the removal of conditions on the sale of oil and the distribution of the humanitarian supplies and the Security Council's apparent determination that these would remain in place.

There was speculation that in the event of such an agreement between Iraq and the U.N., the return, albeit a limited one, of Iraqi petroleum products on the world oil market would have an impact on that market. For example, states belonging to the Organization of Petroleum Exporting Countries (OPEC), of which Iraq is a member, might have to cut their oil production. Such states would hardly welcome reduced oil sales at a time when they are still grappling with the economic effects of low oil price, and the Gulf war.⁽¹⁸⁾ Given the potential impact of even a partial return of Iraqi oil, significant economic effects can be expected if and when the remaining sanctions against Iraq are lifted. This shows how sanctions can distort trading patterns and how decisions to maintain or lift them can easily be influenced by numerous economic factors.

Other sanctions against Iraq are likely to remain in place for some time, as long as the international community continues to resent that country's failure to comply with provisions for dismantling chemical, biological, and nuclear weapon arsenals and research programs. In August 1995, in a bid to convince the international community that sanctions should be lifted or eased, Iraq admitted that it had tipped missiles and bombs with germ warfare agents and had undertaken nuclear weapon research. However, this admission did little to change the international community's attitude towards the Iraqi government, in view of the fact that Iraq had denied these acts for so long. The Security Council reviews the situation every 60 days and, though there are some disagreements between the main champion of sanctions against Iraq, the United States, and some other Council members, it will probably keep the sanctions for some time, barring a significant change in Iraqi policies.

(18) "Hussein Big Winner Under UN Oil Plan," *The Globe and Mail* (Toronto), 25 January 1996, p. A11.

UNITED NATIONS REFORMS

The Iraqi situation, together with problems with peacekeeping operations during the early 1990s, prompted the U.N. to re-examine its role in the maintenance of world peace. In his 1992 report *An Agenda for Peace*, Secretary-General Boutros Boutros-Ghali called for more emphasis on conflict prevention and improvements in the conduct of peacekeeping operations. The only mention of sanctions concerned the collateral damage suffered by the neighbours or major economic partners of a targeted state as a result of disruptions in their normal trade patterns and extra costs. It was proposed that such states should be entitled to consultations with the Security Council and have at least some chance of restitution, possibly with economic aid. This would not only ensure that all U.N. members had an equitable share of the costs involved in the application of U.N. sanctions, but would also encourage neighbouring states to comply fully with them.⁽¹⁹⁾

In the *Supplement to An Agenda for Peace*, issued in January 1995, the Secretary-General reported on discussions on the proposals in *An Agenda for Peace*, including those concerning collateral damage due to sanctions. It was noted that, while they recognized the fact of collateral damage, the heads of international financial institutions proposed that this should be dealt with under existing mandates for providing aid to affected states, rather than through creation of new provisions. The Secretary-General nevertheless proposed the establishment of a new mechanism within the U.N. Secretariat that would carry out five functions: assess the potential impact of sanctions before they are imposed, monitor their application, measure their effects, ensure the delivery of humanitarian assistance, and explore ways of assisting states suffering collateral damage.⁽²⁰⁾

The *Supplement to An Agenda for Peace* also noted that the objectives of sanctions have not always been clearly defined; moreover, because they are a blunt instrument that causes indiscriminate suffering in the targeted state, they raise ethical questions. By

(19) United Nations, Report of the Secretary-General, *An Agenda for Peace*, 17 June 1992, paragraph 41.

(20) United Nations, Report of the Secretary-General, *Supplement to An Agenda for Peace*, 3 January 1995, paragraphs 74-75.

interfering with the work of humanitarian agencies and the economies of neighbouring countries, U.N. sanctions often appear to contradict the organization's objectives of improving humanitarian conditions and promoting economic development. The *Supplement* called on U.N. members to consider ways to ensure that the work of humanitarian agencies is facilitated whenever sanctions are imposed. It was suggested that bans on imports required by local health industries be avoided and that applications for exemptions for humanitarian supplies be quickly processed.

The Secretary-General's reports dealt mainly with the U.N.'s role in maintaining world peace, but other reforms proposed for the U.N. could affect the application of sanctions. The fiftieth anniversary of the United Nations in 1995 added impetus to the long-standing demand for reforms in the political and administrative structures of the organization. One proposed reform that has gained much favour over the years is the expansion of the permanent membership of the Security Council to include significant economic powers like Germany and Japan, and a number of developing countries. In this way, the Council would become more representative of all the regions of the world. Such changes in the U.N.'s decision-making structure would affect, among other things, the use and the effectiveness of sanctions.

A larger permanent membership might make it even more difficult for the Security Council to reach a consensus on when sanctions should be imposed. On the other hand, a more representative Security Council might find it easier to convince all U.N. members of the need to impose sanctions and to make them effective. Indeed, a recent study of the Independent Working Group on the Future of the United Nations stated that the Security Council must become more representative of the diverse perspectives around the world if it wants its decisions accorded full international respect.⁽²¹⁾ Unfortunately, as with other proposed reforms of the U.N., it may take several years for the organization to proceed with the proposed expansion. Moreover, mainly because of problems with peacekeeping operations in Somalia and the former Yugoslavia, world public opinion is becoming increasingly

(21) Independent Working Group on the Future of the United Nations, *The United Nations in Its Second Half-Century*, 1995, p 15.

disenchanted with the U.N.; this could make consensus on sanctions even more difficult to achieve.

NIGERIA: THE LATEST TEST

Nigeria is the latest test of the international community's resolve to impose sanctions. In late 1995 and early 1996, there were growing global demands for sanctions against Nigeria to protest the policies of its military regime, especially in the wake of the execution of the author Ken Saro-Wiwa and other political activists in November 1995. Because of the importance of oil production for the country's economy and the personal wealth of the military leaders, most demands for sanctions have proposed a full embargo on Nigeria's petroleum exports.

The international community, however, still hesitates, preferring to impose other types of sanction. In November 1995, for example, the members of the European Union banned arms sales to Nigeria, imposed tighter restrictions on visas for Nigerian leaders and their families, and placed a freeze on all bilateral and multilateral aid except for humanitarian projects. However, two EU members, the United Kingdom and the Netherlands, vetoed proposals to impose a complete oil embargo, mainly because of its potential impact on the Royal Dutch Shell company, which is deeply involved in Nigeria's oil production.

Meanwhile, President Nelson Mandela of South Africa took the lead in demanding a full oil embargo, angered like many others by the Nigerian regime's defiant execution of Saro-Wiwa, carried out just as the Commonwealth Heads of Government were meeting. The Commonwealth leaders instead threatened Nigeria with expulsion from the Commonwealth in two years if its policies do not change. An Action Group composed of foreign ministers of certain countries, including Canada, met in December 1995 in London to review the policies of countries, like Nigeria, that deny or delay democracy. While welcoming the EU measures, the Action Group requested the Commonwealth Secretary-General to commission a study on possible additional measures, to be applied on an incremental basis, including a ban on new investments, a ban on equipment for the oil

industry, and partial trade embargoes such as oil sanctions.⁽²²⁾ The Action Group is slated to re-examine the issue in April 1996.

The Commonwealth's decision to keep certain sanctions in reserve and to continue reviewing the situation in Nigeria suggests that a complete embargo on Nigeria's oil exports might be used only as a last resort, if ever. Indeed, such an embargo would disrupt the world oil market, something which, as discussed above in connection with Iraq, key members of the Security Council, among others, do not want to see, especially at this time. The U.N. imposes sanctions mainly in response to major breaches of international peace and security; unless there is a consensus within the Security Council that the Nigerian situation is such a case, a full U.N. oil embargo is unlikely. The United States has already indicated that, while it deplores the policies of the Nigerian regime, it does not consider the situation a threat to international peace and security and would not agree with the imposition of a full oil embargo.⁽²³⁾

Ironically, the United States has imposed unilateral sanctions against Iran, claiming that a threat to international peace arises from that country's support for terrorism; however, the Security Council has not joined in these. This again illustrates how difficult it is for individual countries and the Security Council to reach a consensus on the issue of sanctions. When the situation involves a country's internal policies, however deplorable, international consensus on the need for major sanctions is even more difficult to achieve, especially when some of the deciding states have policies almost as questionable as those of the targeted state.

The situation in Nigeria may prompt individual countries and international organizations to impose bans on new investments and on the export of oil production equipment; such measures could have an important impact on Nigeria's economy without seriously disrupting international trade. However, the international community does not appear to be ready to accept the costs of imposing and policing a complete oil embargo, despite some

(22) First Meeting of the Commonwealth Ministerial Action Group on the Harare Declaration *Concluding Statement*, London, 19-20 December 1995, paragraph 12.

(23) Bob Drogin, "Mandela Calls on the World to Slap Embargo on Nigeria," *The Gazette* (Montreal), 16 November 1995, p. D8.

claims that this is the only effective way to influence the military regime. In this case, as in others, sanctions may be nothing more than a demonstration of the international community's concern about a situation, rather than a decisive tool for effecting political change.

CANADA AND SANCTIONS

A. Strong Support for Sanctions

In recent years, Canada has followed the general international trend toward the collective use of sanctions against countries that have disturbed world peace or pursued unacceptable policies.⁽²⁴⁾ Like other countries that have signed the United Nations Charter, in addition to maintaining measures against Iraq, Canada has recently imposed sanctions on Libya, Serbia, Montenegro, Haiti, Liberia and Angola.

To comply with Security Council Resolutions on mandatory sanctions, the Canadian government can invoke the *United Nations Act* to issue all orders and regulations necessary to limit or curtail trade, financial transactions, air links or any other ties between Canada and a targeted country. As a strong supporter of the U.N., this country has participated actively in the enforcement of some measures; for example, Canadian naval ships and aircraft were deployed to help police the sanctions on Iraq and Serbia and Montenegro.

If the Security Council does not impose mandatory sanctions, Canada can still do so in partnership with other states. Indeed, Canada championed the need for sanctions against South Africa once international consensus had developed on their use, despite the Security Council's inability to agree. Prior to 1985, Canada had been reluctant to impose trade sanctions on South Africa, due in part to a desire to avoid major disruption in the international trade of non-military goods which is so vital to Canada's economy.⁽²⁵⁾ It was also recognized that sanctions would have little impact on the South African situation if major economic powers with significant trade with South Africa, such as the United States, the United Kingdom and Germany, refused to impose

(24) See Jean Prévost, *Pour des sanctions efficaces et appropriées*, Policy Planning Staff Paper, No. 93/4, Department of External Affairs and International Trade, March 1993.

(25) See for example Margaret Doxey, "Do Sanctions Work?" *International Perspectives*, July/August 1982, p. 13; John Schlegel, "Twenty Years of Policy Evolution. Canada, the USA and South Africa," *The Round Table*, January 1987, p. 40-45.

them. When these countries and others finally agreed to do so in 1985, in response to the worsening situation in South Africa, Canada joined them and encouraged other countries, especially those in the Commonwealth, to keep their own measures in place. Canada chaired the Commonwealth Committee of Foreign Ministers, which reviewed the effectiveness of sanctions and decided when Commonwealth members would lift them. On 24 September 1993, when the Transitional Executive Council was established in South Africa in preparation for the first truly democratic elections on 27 April 1994, Canada, like other Commonwealth states, lifted its remaining sanctions on trade, investment, and financial transactions, but retained restrictions on arms sales.

When the Haitian military forced President Aristide out of power in 1991, Canada joined the other countries of the OAS in imposing sanctions on Haiti. In 1993, when the military regime in Haiti continued to resist the restoration of democracy, despite the impact of OAS sanctions on its economy, Canada supported the Security Council's imposition of mandatory sanctions, which at first seemed successful. In October 1993, when the regime did not keep its promise to restore democracy and the Security Council re-imposed mandatory sanctions, Canada deployed ships to help enforce the ban on oil and arms shipments.

B. Special Economic Measures Act

The willingness of organizations to use sanctions, and the realization that post-Cold War instability would create new situations requiring urgent action, prompted the Canadian government to expand its legislative authority to impose wide-ranging sanctions whenever the *United Nations Act* cannot be enacted. In June 1992, Parliament adopted the *Special Economic Measures Act* which the Government can enact to impose sanctions whenever there is a serious threat to international peace and security or whenever an international organization of which Canada is a member determines that such measures are necessary to put pressure on a delinquent state.⁽²⁶⁾ The international organization could be the U.N. or regional or transnational organizations such as the OAS and the Commonwealth.

(26) See Department of External Affairs, "McDougall Announces Economic Sanctions Legislation," *News Release*, No. 282, 12 December 1991; "Statement by the Honourable Barbara McDougall, Secretary of State for External Affairs, on the Second Reading of Bill C-53, an Act to provide for the imposition of special economic measures, in the House of Commons," *Statement*, No. 92/6, 20 February 1992. See also Prévost (1993), p. 7.

Previously, the Canadian government had limited legislative authority to ban air and sea links; it could not prohibit Canadian companies from providing financial and other services to the targeted state except by enacting special legislation, such as the *Iranian Economic Sanctions Act* of 1980, which imposed sanctions on Iran while U.S. embassy personnel were held hostage. However, delays in passing such special legislation, especially if Parliament was not sitting, could weaken the impact of Canadian sanctions and even prevent them from being used. The new Act provides the government with all the powers to limit trade and other contacts with a country, and allows it to respond quickly to an international crisis, whether or not Parliament is in session. There is provision, however, for the tabling in both Houses of Parliament, within five sitting days, of all orders and regulations issued and for debate on the measures taken.

Almost as soon as it was adopted, the new Act was used to pass regulations to freeze the Haitian government's assets in Canada for as long as the military regime refused a return to democracy. Additional measures were taken against Haiti in July 1992, when regulations were adopted pursuant to the new Act to prohibit Haitian and other ships violating the embargo from entering Canadian ports. If the *Special Economic Measures Act* had been available in the mid-1980s, it would have been much easier for Canada to impose sanctions on South Africa.

CONCLUSION

Sanctions have not proved to be the surefire alternative to military action hoped for by President Woodrow Wilson and others after the First World War. In most cases, it has taken sanctions months, if not years, to produce the desired results; in other cases, sanctions have failed to prevent the use of military force. Indeed, even where there were positive results, for instance in Rhodesia and South Africa, it is difficult to determine to what extent sanctions were responsible, since so many other factors were involved.

While the "economic weapon" never quite lived up to its proponents' high expectations, it cannot be dismissed as outdated diplomacy. Sanctions can still play a role in persuading delinquent states to change undesirable policies, or at least indicate world disapproval of them. Avoiding the use of sanctions because they are not likely to produce immediate results

would only encourage delinquent states to continue to flout world opinion. Since sanctions were at least partly responsible for the changes in South Africa and elsewhere, they are certainly worthwhile, especially if their use can help avoid military action.

As it grapples with the post-Cold War world, the international community appears to recognize the value of sanctions more than ever. The improved relationship between the permanent members of the Security Council following the collapse of the Soviet Union and the Cold War led to an increased use of mandatory sanctions in the early 1990s. Even where tensions between the Security Council members make the imposition of such sanctions difficult, regional organizations or any groups of states can impose sanctions collectively. The Commonwealth sanctions against South Africa demonstrate that results are possible even if only part of the international community is involved.

On the other hand, sanctions inevitably affect the lives of ordinary citizens in the targeted states; indeed, they are basically the twentieth century's equivalent of the long and cruel sieges of cities during the Middle Ages. Their use is justifiable only as long as their positive effects on international peace and security and respect for human rights outweigh their negative effects on ordinary citizens. Any decision to impose sanctions should not be taken lightly; their effectiveness as an alternative to the use of force can be weakened if they are used irresponsibly.

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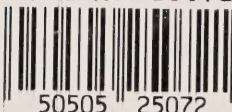
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